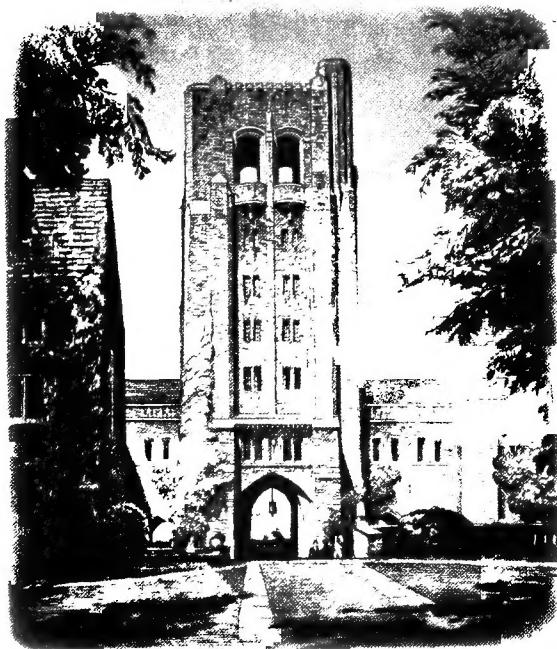


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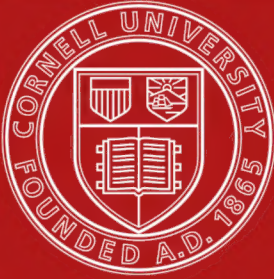


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REV. HENRY MASON BAUM, D. C. L.
Editor

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Assistant Editor

MARCH, 1903

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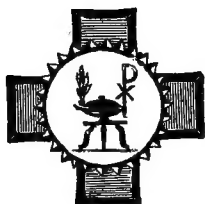
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HAMMURABI RECEIVING THE LAWS FROM THE SUN-GOD OF SIPPARA

RECORDS ^{OF} THE PAST

VOL. II



PART III

MARCH, 1903



THE LAWS OF HAMMURABI, KING OF BABYLONIA

EDITORIAL INTRODUCTION

THE ruins of Susa now being excavated by the distinguished explorer M. de Morgan have already yielded important results. He was led to undertake the excavation of ancient Susa from inscriptions found in the ruins of Babylon, from which he learned that many of the most important monuments of the Babylonian kings had been carried, as trophies of war by the Elamite kings, to their capital, Susa. When he left Egypt in 1888 it was for the purpose of recovering from the ruins of Susa these monuments. He had not been long at work in Susa before he found the stele of Narâm-Sin c. 3,800 B.C., which showed a high state of art in the Tigro-Euphrates valley nearly 6,000 years ago. This discovery was rapidly followed by others. The most important of which is the stele of Hammurabi, upon which was engraved his code of laws, c. 2,250 B.C.

Two translations of this code have been made, one into French by Scheil, the assyriologist of the French Expedition to Persia, of which M. de Morgan is the director, and the other into German by Dr. Hugo Winckler. The following translation is from the latter by Dr. H. Otto Sommer and construed into legal phraseology by William Earl Ambrose, Esq.

This code is the oldest collection of public laws that has yet been discovered. It is a reflection of the social conditions existing in Babylonia 4,000 years ago. The jurist of to-day will recognize in it most of the fundamental principles on which our social legislation is based.

To the biblical student the Code of Hammurabi suggests at once a comparison with the Laws of Moses, which were written about 700 years later. But a comparative study of the two codes can only be made by one conversant with the conditions under which Moses promulgated his laws for the government of the Hebrew state and church. It has already been charged that Moses copied from the older code. It must be remembered that in every age and condition of society the great fundamental principles of justice have been and must remain the same. Therefore when we find these principles of justice existing in both the laws of Hammurabi and Moses, we recognize in them the eternal precepts of right and wrong in human society. Granting this, a further comparison between the two codes reveals in the latter, a higher and what is and may be claimed to be, a divine ordering for the higher and spiritual condition of man. That Moses was familiar with the Laws of Hammurabi and doubtless had studied them cannot be doubted by anyone conversant with the literary and commercial intercourse existing between Egypt and Babylonia. The comparison of the two codes will form the subject of a future article in RECORDS OF THE PAST.

HAMMURABI'S INTRODUCTION TO HIS CODE OF LAWS

When Anu the sublime, the King of the Annunaki and Bêl, the lord of heaven and earth, who fixed the destiny of the country, had committed the whole of mankind to Marduk, the son of Ea, the god of right, when they made him great among the Egigi, had pronounced the sublime name of Babylon, made it great upon earth, had established in it an eternal kingdom, the foundations of which are laid firm like heaven and earth, at that time Anu and Bêl called me, Hammurabi, the great prince, who fears God, to give justice a status in the country, to destroy the wicked and bad, that the strong should not overcome the weak, that I might rise over the block-headed ones; like Shamash, to illuminate the land and to further the welfare of humanity, Hammurabi, the prince, the one called by Bêl, am I. To obtain riches and superabundance, bringing about everything possible for Nippur and Durilu, the exalted protection of Ekur; who had restored Eridu, purified the cult of E-apsu, who fought against the four regions of the world, made the great name of Babel, brightened the heart of Marduk, his master; who (Hammurabi) does service in Esagila, the royal branch which Sin founded, who made rich Ur, the humble and subservient one, who brings riches to Gish-shir-gal, the wise King, heard by Shamash, the mighty one, who laid the foundations of Sippar, who clothed in green the tombs of Malkat, who enlarged E-babbar, which is like heaven; the warrior who protected Larsa, and renewed E-babbar for Shamash, his helper, the lord who gave new life to Uruk, who supplied plenty of water to its inhabitants, who raised the head of E-Anna, completed the splendor of Anu and Nanna, the protector of the country, who united the scattered inhabitants of Isin, who richly supplied E-gal-mach, the protecting city king, brother of the god Zamamma, who firmly founded the settlement of Kish, surrounded with splendor. E-me-te-ur-sag doubled the great sanctuaries Nana; manager of the temple of Harsag-kalama, the grave of the enemies, whose help gains the victory; who enlarged the city of Cutha; who made splendid everything in E-shid-lam; the black steer who strikes down the enemies, the favorite of the god Tu-tu; who caused joy to the population of Borsippa; the sublime one, who is tireless for Ezida, the

god-like king of the city; the wise one; the clever one, who extended the agriculture of Dilbat; who piled up grain for Urash, the strong one; the man to whom belongs the scepter and crown with which he crowns him; the chosen one of the goddess Mama, who fixed the place of the temple of Kish; who enriched the holy meals of Nintu, the careful one, who provided the eating and drinking for Lagash and Girsu; who supplies large offerings for the temple of 50; who takes hold of the enemies, the chosen one of the oracle; who carried out the prophecy of Hallab; who caused joy to the heart of the Annunit, the pure prince, whose prayer is recognized by Adad; who set at rest the heart of Adad, the warrior in Karkar, and restored the implements of the culture in Eud-gal-gal; the King, who lent life to the city of Adab; the director of E-mach; the princely King of the city, irresistible fighter, who gave life to the population of Mash-kan-shabri; who furnished superabundance to the temple of Schidlam, the wise, valiant one who forced the retreat of the bandits; who covered the inhabitants of Malka with misfortune; who founded richly their residence; who established pure offerings for Ea and Dam-gal-nun-na; who made his Kingdom great forever; the princely King of the city, who subjugated the provinces along the Ud-kib-nun-na canal (Euphrates), according to the commandment of Dagon, his creator; who spared the inhabitants of Mera and Tutul; the exalted prince, who made radiant the countenance of Nina; who set holy meals before the god Nin-a-zu; who cared for their inhabitants in need, safely cared for their fortunes in Babylon in peace; the shepherd of the subjects; the servant, whose deeds are pleasing to Annunit; who pleased Annunit in the temple Dumasch in the suburb Agade; who proclaims justice, leads the law, gave back to the city of Assur her gracious patron; who caused to dwell the name of Istar in Nineveh, in the temple E-mish-mish; the sublime one, who prostrates himself before the great gods, the descendant of the Sumu-la-ilu; the mighty son of Sin-muballit; the kingly seed of eternity; the mighty king; the sun of Babylon, who causes the light to radiate over the country Sumer and Akkad; the King whom the four regions of the world obey; the favorite of the god Nini, am I. When Marduk sent me to rule mankind, to impart judicial protection to the country, it was that I might establish right, justice and happiness among the people.

HAMMURABI'S CODE OF LAWS

1. Any person convicted of preferring charges against another person which he cannot substantiate shall be put to death.
2. In event anyone prefers charges against another person and the one against whom the charge is brought leaps into a body of water and is thereby drowned, that person who preferred the charge shall thereupon take possession of the property of the one so drowned. But if the person against whom the charge is preferred is not drowned, the person who made the charge shall be put to death and the one accused shall take possession of the property of his accuser.
3. Any person preferring a charge of malfeasance against a juror sitting in the case at bar, which charge he is unable to substantiate, and the hearing being one at the conclusion of which the death penalty may be adjudged, the person so preferring such charge shall be put to death.
4. Any person attempting to suborn a juror by a bribe of grain or gold shall be deemed to be guilty of felony and shall receive such punishment as

might be adjudged proper to inflict upon a person guilty of the offence for which such trial was being conducted.

5. Any judge conducting a trial and rendering a written decision therein shall receive 12 fold the punishment administered by reason of his decision, if the decision is subsequently proved to be erroneous.

6. Any person convicted of the offence of selling property stolen either from the city or the temple shall be put to death and the person who receives the stolen goods from such offender shall likewise be put to death.

7. Any person purchasing silver, gold or a slave, either male or female, a beef or an ass or any other personal property from another person or from the slave of another person, without witnesses to the transaction or agreement, shall be adjudged to be a thief and shall be put to death.

8. Any person who without right sells a beef, a sheep, an ass or swine or other personal property, if it be the property of the temple or of the city, shall make restitution thereof 30 fold, if it be the property of a freedman, 10 fold; in event such person has nothing with which to make restitution in accordance with the foregoing provision, he shall be deemed to be a thief and shall suffer the death penalty.

9. If anyone has lost an article of personal property and discovers it in the possession of some other person and that person excuses his possession by the statement that still another person sold it to him in the presence of witnesses and that he has paid therefor, and thereupon the owner of the article declares that he is able to bring witnesses to identify his property; it then becomes incumbent upon the possessor to produce the one whom he alleged sold him the article and likewise a witness to the transaction of purchase. The owner shall likewise produce witnesses to substantiate his ownership and all the witnesses shall proceed before a judge and all the witnesses being duly put upon their oaths, shall testify to the facts before the judge. In event the owner proves his property the seller of the article shall be deemed to be a thief and shall suffer the death penalty. The purchaser shall make restitution of the property to the owner and shall receive back from the seller the purchase price.

10. In event of a failure on the part of the purchaser, vendor and the witnesses before whom he alleges he consummated the transaction to appear in the case, and the owner does produce witnesses to establish his ownership in said property, the purchaser, in failing to produce his witnesses to the transaction and the vendor as aforesaid, shall be adjudged to be a thief and shall suffer the death penalty. The property shall be restored to the owner.

11. In event of a failure, however, on the part of the claimant of the lost property to produce at the hearing competent witnesses to establish his ownership, he shall be deemed guilty of having slandered the purchaser and shall suffer the death penalty.

12. In event the vendor of property which he has sold without right, shall die prior to a hearing upon the claim of the owner of the property, then the vendee shall receive from the estate of the vendor 5 fold the purchase price of the article disposed of to him by the decedent.

13. In event of inability to produce witnesses in such a case at the first hearing thereon, the judge shall continue the trial of the cause for a period not to exceed 6 months. In event of failure of either party to produce witnesses for their respective claims within that period, the one failing so to do shall be deemed guilty and shall receive such punishment as is hereinbefore provided for in such cases.

14. Anyone adjudged to be guilty of kidnapping shall be put to death.

15. Anyone who shall abduct a slave of the court, or a female slave of the court, or the male or female slave of a freedman, shall be taken beyond the city gate and put to death.

16. Anyone harboring a runaway slave, either male or female, of the court, or of a freedman, and failing to produce him or her on the public demand of the major domo of the court, or the house of a freedman, upon conviction thereof shall be deemed guilty of felony and shall suffer death.

17. Anyone capturing a male or female slave, and returning said male or female slave to his or her master, shall be compensated by the master to the extent of 2 shekels of silver.

18. In event a runaway slave shall refuse or fail to name his master, the person capturing such slave shall produce him before the court where his identity shall be examined into and upon its being ascertained the slave shall be returned to his master.

19. Any person capturing a runaway slave and detaining him in his house and exercising ownership over him, upon conviction thereof shall be deemed guilty of felony and shall suffer the death penalty.

20. In event a runaway slave escapes from his captor, the captor shall make oath to the owner of the slave as to the circumstances, and thereupon shall be released from any charge by reason of the escape.

21. Anyone seeking to burglarize a house, by breaking into it, shall be deemed guilty of felony and shall suffer the death penalty. The execution shall take place at the point of the breach in the house and he shall be there interred.

22. Any person convicted of a robbery shall be put to death.

23. In event anyone shall be robbed, and the person committing the robbery shall escape, the party so deprived of his property shall make claim under oath, enumerating the property of which he has been robbed, whereupon the municipality or (.....) wherein said robbery was committed shall compensate him for his loss.

24. In the event of the abduction of any person, the municipality or (.....) in which the abduction took place shall pay to the personal representatives of the abducted person, 1 silver "mine."

25. Any person who shall be present at a fire occurring in the house of another, and while present at such fire appropriates any article belonging to the proprietor of the house in which the fire occurs, shall be deemed guilty of a felony, and as a punishment therefor shall be thrown into the burning fire.

26. If an officer of the king or [drafted] man who has been ordered to march with the king's troops, fails so to do and procures a mercenary or substitute who performs the duty incumbent upon such officer, or [drafted] man and the officer or [drafted] man shall die while his mercenary or substitute is with the king's troops, thereupon the mercenary or substitute shall be entitled to take possession of the estate of his deceased principal.

27. If an officer or [drafted] man is captured during a reverse of the king, and during his imprisonment his property is delivered into the hands of some other person, he shall upon his release and return to his home be reinstated in the possession of his property.

28. In event of the capture of an officer of the king or [drafted] man upon a defeat suffered by his king, the officer's son shall take possession of

his property and that son shall be deemed the proper person to exercise the control and possession over his father's field and garden.

29. In event his son [the son of an officer or drafted man] by reason of his infancy is incapable of taking possession of his father's property, the son's mother shall be given $\frac{1}{3}$ the field and garden of the father and shall be charged with the maintenance and support of such son until he shall reach maturity.

30. In event an officer of the king or [drafted] man fails to make provision for the cultivation of his field, garden and the care of his house, or gives them in payment to some other person who enters into possession thereof and occupies the same for the period of 3 years, whereupon such officer or [drafted] man returns to claim such field, garden or house, the officer or [drafted] man shall not be deemed the rightful owner, and the property shall remain in the possession of the person occupying it.

31. In event he [an officer of the king or a man] shall lease his property for the period of one year and at the termination of said lease he returns to take possession of said property, he shall be entitled to the possession thereof.

32. Any person purchasing the freedom of an officer or man captured while on a march with his king, shall be repaid the ransom money by the captured officer or man, in event the officer or man has property or means sufficient to repay the purchaser of his freedom. In event such ransomed person has no means by which to repay the person purchasing his freedom, the municipality in which such captured person has his domicile shall compensate the purchaser of his freedom, the charge therefor to be first made upon the temple. In event of insufficient funds in the temple to make payment then the state shall defray the charge. The field, garden and house of the ransomed officer or man shall not be charged for repayment.

33. Any [officer] or [soldier] who deserts and substitutes a mercenary in his stead and the mercenary goes in his stead, then the deserter shall be deemed guilty of felony and punished by death.

34. If [officer] or a [soldier] injures the property of the king he shall be deemed guilty of felony and punished by death. If anyone delivers an officer of the king into bondage, and in so delivering the officer into bondage he bribes one in authority to assist him in the delivery and likewise appropriates to his own use property belonging to and bestowed upon the officer by his king, that wrongdoer shall be deemed guilty of felony and put to death.

35. Anyone purchasing a beef or small animal given by the king to an officer [for the officer's rations] shall forfeit the purchase price.

36. The field, garden and house of a taxpayer cannot be sold [is exempt from levy].

37. Anyone purchasing a field, garden or house of an officer, soldier or taxpayer the slate shall be washed [the contract therefor shall be null and void] and the purchase price shall be refunded to the owner [and he, the owner, shall retain his property].

38. A captain, soldier or taxpayer cannot sell the property of his feudal lord, wife or daughter, or pledge such property for the payment of his debts.

39. He [captain, soldier or taxpayer] may assign the field, garden or house which he has purchased with his own money and which he possesses in his own right for the payment of his debts. He may also convey such property to his wife or daughter.

40. He [captain, soldier or taxpayer] may sell [lease] to a trader or employee of the city his field, garden and house for usage.

41. Anyone fencing in the field, garden and house of an officer, soldier or rentpayer and furnishing the fencing pales therefor shall, upon the return of the officer, soldier or rentpayer, deliver to him the field, garden or house and the fencing so erected, and the fencing shall become and be the property of the officer, soldier or rentpayer and shall not be taken from the land of the owner by the erector thereof.

42. Anyone entering into the possession of a field upon agreement and neglecting to raise grain upon that field shall be held accountable to the owner thereof for a quantity of grain commensurate with that grown in the neighboring fields, upon it being shown that he has failed to comply with the conditions in regard to the cultivation of the land.

43. In event of failure of such a person to cultivate a field he shall be held accountable to the owner thereof for the payment to him of grain commensurate with that grown in the neighboring fields and he shall further be compelled to plow and sow the said field and deliver the field, so planted and sown, back to its owner.

44. In event the person takes possession of a waste field for the purpose of making it arable, but fails to make the field arable, he shall be compelled to cultivate the barren field in the fourth year [after his having taken possession of it], harrow it, seed it and deliver the field to the owner, and shall be compelled to render to the owner for every 10 "gan" [of grain he might have raised had he been diligent] 10 "gur" of grain.

45. In event anyone enters into an agreement [leases] for a field and under that agreement a fixed compensation is paid therefor to the owner, and bad weather intervenes and destroys the [growing] crop, the loss shall be borne by the lessee.

46. In event no definite compensation is fixed for the use of the field, but a proportionate share of the products is agreed upon [for its use], the lessor and the lessee shall divide the grain cultivated upon that field in accordance with their agreement ($\frac{1}{2}$ or $\frac{1}{3}$).

47. In event the lessee, because of a failure in the first year of his tenancy to receive maintenance [to raise enough grain for his maintenance] from the field, notwithstanding his earnest effort to so do, the owner thereof may not hold him responsible for his share; the field has been tenanted [and an attempt at cultivation made] and at the next harvest the owner shall receive grain in accordance with his agreement.

48. Anyone leasing a field which is devastated by tempest or by a drought is not compelled to account to the owner for his share of grain during that year, the slate is dissolved in water [the obligation is annulled] and an accounting is to be had for that year at the termination of the succeeding one.

49. Any person leasing a tillable field to a business man and borrowing money from him, and at the same time directing the business man to cultivate the field and to plant thereon grain or sesame and to harvest grain raised thereon for his benefit, and the business man or his subtenant raises upon the field grain or sesame, the person so leasing to the business man shall, at the harvest, receive the grain and sesame which are raised upon the field and pay to the business man grain for the money advanced by him, besides interest on such money advanced by the business man, and shall in addition thereto give to the business man such grain as is necessary for the

sustenance of the business man or such cultivator of the soil as has been employed by the business man for the purpose of raising grain upon his field. [Provide for maintenance of the laborers who actually do the work.]

50. If anyone borrows money upon a cultivated grainfield or cultivated sesame field he shall receive the grain or sesame which is grown upon that field. He shall pay back to the person making him the loan the money borrowed, with interest.

51. In event he is unable to repay the loan or money borrowed, he shall deliver to the lender grain or sesame [equal in value] to the amount of the sum borrowed, with interest, in accordance with the rate of interest provided by the royal tariff [legal rate].

52. In event anyone borrows money upon a field and fails to raise grain or sesame whereby to repay his creditors, his indebtedness is not extinguished.

53. Anyone failing to keep his [irrigating] dam in repair and through his neglect and laziness a break occurs in the dam and his neighbors' lands are flooded by the overflow of the water therefrom, he shall compensate the owner of the damaged land for his loss of grain or other property [occasioned by the overflow].

54. In event he is unable to repay or make good the damage incurred by his neglect, his property is to be sold and those incurring damage through his negligence are to divide his property among themselves in accordance with the extent of the several losses occasioned by his negligence.

55. If anyone opens his canal for the purpose of irrigation [in a negligent manner] and thereby floods the fields [of his neighbors] shall be held to account to those neighbors and to pay them grain corresponding with their [the neighbors'] loss.

56. Anyone negligently and maliciously found to be guilty of flooding his neighbor's tillable fields shall measure out to that neighbor "gan" for every 10 "gur" of grain [destroyed thereby].

57. Any shepherd who, without the permission of the owner of a field, permits his cattle to graze upon another's field, shall permit the owner of the field upon which his cattle have grazed, to harvest his [the shepherd's] field and shall pay in addition thereto [to the owner of the devastated field] 20 "gur" of grain for every 10 "gan" destroyed by his wrong doing.

58. In event a shepherd, after his herd has left the general pasture and been corralled at the city gate, allows them to graze upon the field of another, that shepherd shall be compelled to keep that field which he has allowed his cattle to graze upon [in exchange for his own] and at the harvest time shall pay to the owner of the devastated field, for every 10 "gan," 60 "gur" of grain [destroyed by his wrong doing].

59. Anyone trespassing upon the land of another and cutting wood therefrom, shall pay to the owner thereof $\frac{1}{2}$ "mine" of gold.

60. Anyone intrusting to a gardener a field [uncultivated] in order that it may be planted as a garden and the gardener thereupon enters upon the field and cultivates it and cares for it for a period of 4 years, the cultivator and the owner thereof shall divide with one another at the end of the fifth year the products of the field.

61. In event the gardener does not complete the planting of the field and leaves a part uncultivated [at the end of the fourth year] the unculti-

vated part shall be deemed to be his share, and the owner thereof shall have the cultivated portion.

62. In event the gardener takes the field which has been intrusted to him, if it be a wheat field, and fails to cultivate it, the gardener shall be compelled to pay to the owner such sums of money or such an amount of grain as might have been raised upon the field in accordance with what has been raised upon adjoining fields, and shall moreover place the field in a cultivated condition.

63. If anyone shall redeem waste land and make a cultivated field out of the same and return it to its owner the owner shall measure out for a year 10 "gur" of grain for every 10 "gan" [of land]. [The 10 "gur" of grain for each 10 "gan" of land shall be paid but once in compensation for the services rendered in making the land productive.]

64. Anyone leasing a field for the purposes of cultivation shall, so long as he retains possession thereof, render $\frac{2}{3}$ of the profit thereupon to the owner and shall retain $\frac{1}{3}$ for himself.

65. In event the lessee does not work the field and the profit thereof decreases he shall give to the owner thereof profit commensurate with the products on neighboring fields.

[There are 5 rows of text missing here which have been chiseled out. The following paragraphs were obtained from copies out of the library of Assurbanipal:]

a. Anyone selling to another a date garden [borrowing money from another and giving therefor a date garden as security] upon condition that the dates grown thereon shall be the consideration [security] for the money paid by the purchaser [lender], the owner of the field shall be entitled to harvest the dates and return to the purchaser [lender] the purchase price [borrowed money] for the same and interest according to the order [covenants] of the contract, and may dispose of the dates as he deems advisable.

b. If anyone leases property from another for the term of a year, paying therefor [in advance] and the lessee shall be ejected by the owner, he, the lessee, shall be entitled to receive back such portion of the money as is represented by the unexpired term.

c. [Anyone] owing a debt of grain or money to another which he is unable to pay back, shall be entitled to produce other possessions which he may have equal in value [to the advancement] and discharge his indebtedness [by delivering them to his creditors].

[The enumeration of the paragraphs from this point gives rise to the supposition that the gap takes in 35 paragraphs and goes on from 100.]

100. Anyone borrowing money shall, on the day of settlement, repay the same to his creditor, with interest, according to the memoranda of his contract [for payment].

101. Anyone advancing money to another for the purpose of enabling the borrower to engage in business elsewhere, and the borrower to whom he advances failing to profit by his enterprise in such foreign place, he, the lender, shall receive back from the borrower the money so advanced.

102. In event anyone has an advance made to him of money for an enterprise in which he [subsequently] suffers, the loser shall return the money advanced by his creditors.

103. In event an advancement is made to another and the borrower, while on his journey in pursuance of the enterprise for which the money

is advanced, is robbed, he shall return and make statement under oath to his creditor of the circumstances of the robbery and thereupon shall be discharged [from liability on account of loan].

104. Anyone delivering to a middleman, factor or broker, grain, sesame or other merchandise to sell [for his account], the middleman, factor or broker shall give to him a receipt or written obligation setting forth the commission and conditions [contract of brokerage] under which sales and disposals of the properties are to be made and shall, in return, take a receipt [a written authority to sell] from his consignee. The middleman, broker or factor shall not use the money of his business man [consignee] unless receipted for [authorized in writing].

105. If the middleman, factor or broker is negligent and has failed to take receipts for money paid by him to the business man, he is estopped from making a subsequent claim therefor.

106. If anyone furnishes money to a middleman, broker or factor and said middleman, broker or factor afterward denies the receipt of such money and the person advancing the money shall make oath to the transaction and produce witnesses to substantiate his claim and the claim is found to be a just one, he shall be entitled to reclaim from the middleman, broker or factor 3 fold the money advanced by him to the middleman, broker or factor.

107. Anyone advancing money to a middleman, broker or factor which has been returned to him in full, and at the payment, the lender disputes the payment, the party making the advance, upon the unjustness of his dispute being determined, shall compensate the middleman or broker by paying to him 6 fold the amount advanced, repaid and disputed by him.

108. Any restaurant [inn] keeper who for the payment of drinks [or entertainment] shall [demand] and receive grain according to gross weight instead of money and if it is shown by the payer that the drink [or entertainment] is of a lesser value than that charged for, the innkeeper shall be deemed guilty of misconduct [misdemeanor] and thrown into the water [in punishment].

109. If a restaurant or innkeeper allows conspirators to meet at his or her house and these conspirators are brought to trial before the courts [and are convicted], the innkeeper shall be put to death.

110. In event a virgin of the temple opens [sells liquors] or enters a bar for the purpose of drink she shall be burnt up.

111. An innkeeper delivering 60 "ka usakani" liquor [to one on credit] shall be repaid at the harvest 50 "ka" of grain.

112. If anyone while on a journey intrusts to another person gold, silver, precious stones or other personal property and the bailee fails to transport all such property to the destination determined upon [and directed by the bailor], but appropriates it [or any part thereof] to his own use, he, the bailee, shall give back to the bailor 5 fold the amount which has been appropriated by him.

113. If anyone receives an order from another for gold or grain and the giver of the order takes out of the house for safe-keeping [the storage place of the article for which the order was given] without the knowledge of the person to whom the order was given, any part of the gold or grain, he shall be held amenable and shall return the gold or grain to the person holding his order and [in punishment therefor the property of the wrongdoer shall be confiscated] his property shall be confiscated.

114. Anyone without right demanding grain or gold from another and under duress forcing its delivery shall for each and every offence committed by him pay $\frac{1}{3}$ "mine" of silver [to the injured person].

115. If anyone having a claim against another for grain or gold shall exercise judicial restraint over that person, and that person dies a natural death while undergoing imprisonment, the person occasioning the imprisonment shall not be held accountable therefor.

116. If, however, such imprisoned person dies in the house of the claimant from the effects of blows or harsh treatment inflicted upon him, the person causing his restraint [the murderer] shall be produced in court; in event the person dying was a free man, the son of the person causing his death shall suffer the death penalty in event of conviction. If on the other hand the decedent was a slave, the murderer shall pay $\frac{1}{3}$ "mine" of money [to the decedent's owner]. The murderer's estate shall become the property of the slave's owner [or the heirs of the freeman].

117. Anyone who shall, by reason of his indebtedness, sell his wife's son or daughter for money or hires them [or either of them] out for forced labor in order that he may pay his indebtedness with the proceeds realized from their labor, the person so hired out shall be compelled to work for 3 years for the purchaser [hirer] and in the fourth year he or she shall be emancipated.

118. In event a slave, male or female, is hired out for forced labor and the person hiring them rehires them to someone else, he shall not be adjudged to be at fault in so doing.

119. Anyone who owes a debt and for payment thereof sells a female slave, who has born children, shall be compelled to furnish money for the purpose of emancipating her.

120. If anyone stores grain in the house of another and an accident happens to the grain, or the bailee converts the grain to his own use and afterward shall deny the existence of any such grain stored in his house, then the owner upon making claim under oath for his grain [which is substantiated], shall be entitled to receive from the bailee the grain lost or converted by the bailee to his own use in undiminished quantity.

121. Anyone storing grain in the house of another shall compensate the bailee by paying to him 5 "ka" of grain for every 1 "gur" of grain stored during the year.

122. If anyone intrusts to another gold, silver or other personal property for safe-keeping, he shall exhibit the articles to be stored to a witness and thereby close the contract for safe-keeping [which shall be a binding contract of bailment].

123. In event the witness to the contract [alleged to have been made] shall afterward appear and deny its existence, the bailee shall be discharged of any liability on account of the alleged contract.

124. Anyone depositing with another one gold, silver or any personal property before a witness, shall be entitled to have restored to him the article in undiminished quantity.

125. Anyone receiving for bailment [for hire] another's property, which property, together with his own property, is lost or stolen while in his possession, shall return [the value of] that which was given him [bailed with him] for safe-keeping to the owner or bailor. The bailee may recover it [the stolen property from the thief] and shall not be adjudged to have committed an offence.

126. If anyone deprived of property by fraud shall assert his claim thereto under oath he shall receive back from the one practicing the fraud upon him that which he claims [upon proof of his right so to do].

127. Anyone slandering a virgin of the temple or the wife of another person and being unable to substantiate the slander [the truth of which slander he cannot substantiate] shall be marked upon the brow.

128. If anyone takes to himself a wife without a formal contract [of marriage being entered upon], the woman so taken shall not be deemed to be the legal wife [of the man so taking her to his bed].

129. If anyone's wife is captured with another person [committing adultery] both are to be thrown into the water. In case the husband of the wife forgives his wife and the king his slave [no other punishment shall be inflicted].

130. If anyone violates [has carnal knowledge of] the wife of another one, the wife not prior thereto having had knowledge of a man, and the assault occurs in the house of her father and the assailant is captured, he, the assailant, shall be put to death and the woman shall be regarded as blameless.

131. If a husband slanders or brings charges against a wife [to the effect that she is an adulteress] [and puts her aside], though she is not discovered sleeping with another one, she is to make oath before God and [she shall upon making oath as to her innocence] return to her house.

132. If against anyone's wife, on account of another man, accusation is made and she is found sleeping with another man, then shall she jump into the river in place of her husband. [A woman found guilty of adultery shall be drowned.]

133. In event a husband is taken prisoner of war while in his house, and leaves [makes provisions for his wife's support] life sustenance and [after provision for her support has been made] his wife leaves her house and home and goes into another home; she, because she has not preserved the sanctity of her home, but has gone into another house, shall be taken before the court [and on conviction thereof shall be] thrown into the water. [Drowned.]

134. If anyone is taken prisoner of war and there is no life sustenance in his house [and makes no provision for his wife's support] and his wife goes into another house, she shall in that case be adjudged guiltless.

135. If anyone is taken prisoner of war and there is no life sustenance [support provided for his wife] in the house and his wife goes into another house and there are children born to her in the house to which she goes, and later her husband returns to his home, then shall his wife return to him; the children, however, shall follow their father.

136. If anyone leaves his home, runs away [deserts and abandons his wife] and thereupon his wife goes into another house; if then he returns and wishes to take back his wife to himself, the wife of the fugitive shall not return to her husband, because he has torn himself away from his family and run away.

137. If anyone has the intention to cast from him a side wife [concubine], who has born children to him and his legal wife has presented him with children, he shall give to each wife her respective children and give her a useful portion of field, garden and possessions that she may raise her children. [In event of her husband's death and all her children reach their majority] when she has raised her children she shall receive [an allotment

equal to a son's share of his property] a portion of all that her children receive as is allotted to a son. She may then likewise marry the man of her choice.

138. If a man divorces his wife [because of her barrenness], who has born him no children, he shall give back to her the sum of the present from him to her at the wedding [the money he gave her for a wedding gift] and also the dowry which she brought him from her father's house.

139. In event a man marries a woman without presenting to her a marriage portion and subsequently there is a legal separation declared, he shall give to her 1 "mine" of money.

140. If he is a freedman [emancipated slave] he is to give to her $\frac{1}{3}$ of a "mine" of money.

141. In event a man's legal wife shall depart from him after having been guilty of extravagance, and before her departure she is brought to court by her husband and the husband solicits a divorce, which is granted, she shall be permitted to depart and the husband shall not be compelled to compensate her. In event the husband does not desire to be divorced and desires to take another wife, the one deemed guilty of extravagance shall be compelled to remain in the house of her husband as a servant.

142. In event the wife quarrels with her husband and shall produce proof sustaining her justification and she is found to be blameless, she shall [be permitted] to return to the home of her father and in addition thereto receive compensation from her husband.

143. If she is adjudged to be guilty of having dissipated [her husband's property] and neglected her husband, she shall be thrown into the water.

144. If anyone [a man] takes a wife and his wife gives her husband a servant, and the servant has children by him, and the man then declares his intention of taking a side wife [concubine], he shall not be allowed so to do. He shall have no side wife [concubine].

145. If anyone [a man] takes a wife and she does not bear him any children, and he has the intention to take a side wife [concubine], if he takes a side wife and brings her into his house she shall not stand on the same footing with his wife.

146. If a man takes a wife and this one gives her husband a maid as wife, and she [the maid] bears him children, and then this maid tries to place herself on an equality with her mistress, because she has born children, her owner is not to sell her for money, but he is to pay her in silver and reckon her among the servants.

147. If she has not born children, then her master may sell her for money.

148. If any man shall marry a woman and she becomes sick (?) and he then marries another woman, he shall not cast out the sick wife, but shall keep her in his house and support [and protect] her so long as she lives.

149. In event the wife does not desire to live in the house of her husband he shall be compelled to return to her the dowry which she has brought from her father's house and she shall be permitted to take her departure.

150. If a man shall give to his wife a field, garden, house or other property and gives her written evidence of the conveyance and shall thereafter die, in event her sons lay no claim to the property [by way of hire for

services] the widow shall be permitted to bestow upon the son of her choice the estate given her by her husband and is not bound by law to give to her other sons any part thereof.

151. In event a widow marries a second time and her second husband, prior to the marriage, had an estate, this estate shall be exempt from attachment by the creditors of the wife. The wife's estate shall likewise be exempt from attachment by creditors of the husband [provided it was acquired prior to her second marriage].

152. In event the [second] husband and wife jointly contract an indebtedness subsequent to the marriage they shall be jointly liable therefor.

153. If the wife of a man occasions her husband's death, because of her love for another man, she shall be deemed guilty of murder and put to death.

154. If anyone has carnal knowledge of his daughter, he is to be driven from the town.

155. If anyone betroths his son to a girl and the son associates with her [accepts her in marriage] and the father of the son is afterward convicted of having committed adultery with his son's wife, the father is to be bound and thrown into the water.

156. If anyone betroths his son to a girl and his son does not recognize her [accept her in marriage] and thereupon that one [the son's father] sleeps with her, he, the son's father, shall pay her $\frac{1}{2}$ a "mine" of money and shall give back to her everything that she has brought along from her father's house. She may then marry the man of her choice.

157. If anyone sleeps with his mother after his father [has slept with her], then both the wife and son are to be burnt up.

158. If the son of any man is caught with the chief [first or legal wife] of his father, after his father has cohabited with her, if she has born children, he is to be driven out of his father's house.

159. If anyone brings personal property into the house of a proposed father-in-law [in payment to the father for his daughter] and thereafter refuses to marry the daughter, he shall forfeit such property as he has brought in payment for his wife to the father.

160. If anyone brings personal property into the house of his proposed father-in-law and the father-in-law receives the same and then refuses to permit that person to take his daughter from the house, the father of the daughter shall return the property he has received and upon the return thereof shall be discharged from his obligation to the suitor for his daughter.

161. Should anyone bring into the house of his proposed father-in-law and pay to him the grain demanded for his daughter and thereupon is slandered by a third person, whose desire it is to marry the daughter, and the father thereupon refuses to permit the one paying the grain to take his daughter, he, the slandered person, shall be entitled to receive back the grain he has paid to the father of the daughter and the party slandering him shall not be permitted to marry the daughter.

162. Anyone marrying a wife, who shall bear him sons and then die, will not be compelled to return to his wife's father her dowry. The dowry upon her death shall belong to her sons.

163. In event anyone marries a wife and she shall die without issue, the father of the wife shall return to the husband the grain treasure which has been paid him by the husband. The dowry shall revert to the wife's father.

164. In event the father fails to return the grain treasure paid for his

daughter by her husband, her husband shall be entitled to deduct from the dowry, which belongs to her father, the amount thereof, and shall then pay whatsoever remains of the dowry to her father.

165. In event a father during his lifetime gives to a favored son his field and executes conveyance thereof to that son and then dies and leaves other sons, the favored son shall receive from his father's estate the field presented to him during the lifetime of his father and the balance of his estate shall be divided among those not so favored.

166. In event he chooses wives for his adult sons, before his minor sons attain maturity, and then dies, the adult sons shall divide the property equally among themselves, after having set aside a sufficient portion of the estate, to enable their minor brothers to provide grain treasure with which to purchase wives.

167. If anyone marries a woman who bears him children and the mother thereupon dies, and the husband then remarries and has children by his second wife, and thereupon the husband dies, the property shall be divided among all the children *per capita*. The property left by the first wife shall go to her children and that of the second wife to her children.

168. Anyone proposing to disinherit his son shall go before a tribunal and there declare his intentions to so do, whereupon a hearing shall be had and if the son is found to be not guilty of conduct which shall justify his disinheritance, the father shall not be permitted to disinherit him.

169. In event the father establishes misconduct on the part of the son, such as would justify disinheritance, the son shall be forgiven for the first offence, but upon repetition thereof shall be deemed guilty of having committed a grave offence and shall be disinherited.

170. If a man marries a woman who bears him sons and he also has children by a slave, who, during the father's lifetime, were recognized as his sons and declared to be such, and the father then dies, the children of both the wife and the slave shall divide equally the father's estate. Nevertheless the children of the wife shall be preferred in the choosing of the portions of said divisions.

171. In event, however, the father of children by a slave does not recognize them during his lifetime as his children, "my sons," the children of the slave shall not be entitled to share with the children of the wife, upon the death of the father, but the slave and her children shall be emancipated and no claim upon their services shall be permitted to be made by children of the wife. The wife shall be permitted to receive her dowry and the property given her by her husband during his lifetime, by written conveyance, and shall have the use and occupation of her deceased husband's house, so long as she shall live, which house may not be sold upon her husband's death. The property of the wife shall descend to her children.

172. In event the husband has bestowed no gift during her lifetime upon the wife, she shall receive her dowry and in addition thereto, a portion of her husband's estate commensurate with the portion of all of her children. In event her sons eject her from the homestead, she may proceed before a tribunal and there assert her claim; if it be proved that her sons have wrongfully ejected her, she may remain in her husband's house. In event a widow desires to leave her husband's house she shall bestow upon her sons the gifts which her husband had given her, but she may retain her dowry and remarry if she desires.

173. In event a widow marries and there is issue born to her and

thereupon she dies, her dowry shall be divided between the children of her first and second husbands [*per capita*].

174. If she does not bear sons to her second husband the sons of her first husband shall receive her entire dowry.

175. When a slave of the state or the slave of a freedman marries the daughter of a freedman and issue is born of such marriage, the owner of said slave shall not be permitted to reduce to slavery the children of such marriage. If he should so do they shall be deemed to be free children.

176. If a state slave or the slave of a freedman marries anyone's daughter, and after he has married her and she has moved into that one's house, taking with her the dowry of her father's house, they both have settled down and founded a household of their own, have acquired wealth, and thereupon that slave dies, then this freeborn woman shall take her dowry and all that which she and her husband have acquired since their settling down; she shall divide it into two parts and the owner of the slave shall take $\frac{1}{2}$ and the freeborn woman shall take the other $\frac{1}{2}$ for her children. If the freeborn woman did not have a dowry, she shall divide everything into two parts which her husband shall have acquired since their settling down, and the owner shall take $\frac{1}{2}$ and the freeborn woman shall take the other $\frac{1}{2}$ for her children.

177. Any widow, who shall desire to enter into a marriage contract having ungrown children, shall not be permitted to enter into the marriage relation with another person without first gaining permission from the court. If she marries, the value of the estate of her former husband shall be determined by the court and it shall then be given into the custody of the widow and the second husband. The property shall be kept in good order, the children maintained and no disposition [by sale] of the estate shall be made. Anyone purchasing such property shall forfeit the purchase price and the property shall be returned to its owner.

178. If the father of a consecrated one [a virgin of the temple] or a public girl [prostitute for hire regulated by city] has given her a dowry and a certificate thereunto, which certificate contains no provision for the disposition of the property and fails to give her a right to dispose thereof as she may desire, dies, her brothers are to receive her field and garden, according to the size of her share, and are to give her grain, oil and milk and place her in peace [provide for her safe-keeping]. If her brothers do not give her grain, oil and milk, according to her share, and do not place her in peace, her field and garden are to be given over to a farmer whom she approves, and the farmer shall provide for her. She shall have the field, garden and everything which she has inherited from her father so long as she lives, but she shall not sell it or dispose of it to another one. Her child's portion [heritage] belongs to her brothers. [Life interest with remainder to brothers.]

179. If the father of a consecrated one or a public girl has given her a dowry and has given her a certificate thereof, and has specified therein that she may dispose of her dowry to whom she pleases, giving to her full power of disposition thereof, and the father then dies, she may thereupon dispose of her heritage to whom it pleases her to so do. Her brothers may interpose no objection.

180. If a father gives to his daughter—marriageable or public girl—and then dies, she is to receive a child's protection of the paternal estate, and as long as she lives is to have the use thereof. What she leaves

behind belongs to her brothers [life estate with remainder to brothers].

181. In event a father, who dedicated his daughter to the temple, thereupon gives her no dowry and then the father dies, she shall receive from her father's estate [the use of for life] $\frac{1}{3}$ of her portion of the estate so long as she shall live and at her death her share of the estate is to revert to her brothers.

182. In event the father should fail to bestow on his daughter [virgin of the temple] a dowry prior to his death, she shall receive $\frac{1}{3}$ of a child's portion from her father's estate, but she shall not be entrusted with the management thereof. She may, however, make whatsoever disposition of this property by law, as she may desire.

183. If anyone gives to his daughter, who is the offspring of a concubine, a dowry with a certificate thereof, and then gives her in marriage, and the father dies, she is to receive no portion of the paternal heritage.

184. If the father of the daughter of a concubine does not give a dowry to the daughter and does not provide for her in marriage, and the father dies, the daughter's brothers are to give her a dowry in keeping with the paternal fortune, and provide for her marriage.

185. In event of the adoption of a child by a person who shall give to the child his own name and nurture the child to maturity, the [natural] parents of the child shall not be permitted to claim it [of its foster parents].

186. In event of the misconduct of the child he may be returned to his father's house [by his foster parents].

187. The son of a gallant [libertine] in the service of the palace or of a public girl [public prostitute] cannot be demanded back [from the persons who cared for and raised him].

188. If a workman adopts a child for the purpose of rearing him and teaches him his trade, the child cannot be demanded back again.

189. If he has failed to teach him his trade, the son, upon reaching maturity, can return to his father's house.

190. In event an adopted child is not permitted to associate with the children of his foster parents, he may at maturity return to his father's house.

191. If anyone [unmarried] adopts a child and afterwards founds a home and rears children of his own, and then attempts to cast out the foster child, shall not be permitted so to do unless he shall give to the foster child $\frac{1}{3}$ of a child's portion exclusive of his field, garden and house.

192. In event a foster child shall say to his foster father or mother, "Thou art not my father or mother," his tongue shall be cut off.

193. If the son of a gallant [libertine] or of a [gallant's] mistress seeks knowledge of his natural father's home from his foster father or mother, and turns away from them [his foster parents] and goes into his [natural] father's house, then his eyes are to be put out.

194. If anyone leaves a child with a wet nurse and the child dies in the wet nurse's charge, and the nurse then suckles to maturity another child without the knowledge of the father and mother of the child left with her in the first instance, that nurse shall be arrested, because she has nursed another child without the knowledge of the father and mother, and her breast is to be amputated [upon conviction of the offence].

195. Anyone assaulting his father shall suffer the loss of his hands.

196. Anyone destroying the eye of another shall suffer the loss of an eye as punishment therefor.

197. If anyone fractures the bones of another, the guilty one, upon conviction, shall have his bones fractured in punishment therefor.

198. If anyone destroys the eye of a freedman or fractures the bones of a freedman, he, upon conviction thereof, is to pay 1 "mine" of money [as a fine].

199. If anyone destroys the eye or fractures the bones of anyone's slave, he, upon conviction thereof, is to pay $\frac{1}{2}$ of his value [to the owner of the slave].

200. If anyone knocks out the teeth of one, his equal [in rank], his teeth are to be knocked out, upon conviction of the offence.

201. If he has knocked out the teeth of a freedman, he is to pay $\frac{1}{3}$ of a "mine" of money [as a fine].

202. If anyone commits assault and battery upon the person of another one of higher rank than himself, he is publicly to receive 60 lashes with the oxhide [upon conviction of the offence].

203. When a freeman commits assault and battery upon another freeman of equal rank he shall pay 1 "mine" of money [to him in damages].

204. If a freedman commits assault and battery upon a freedman, he is to pay 10 shekels of money [to that freedman so assaulted].

205. If the slave of a freeman commits assault and battery on a freeman, his ear is to be cut off as a penalty therefor [upon conviction].

206. If anyone assaults another in a fight and gives him a wound, and upon oath declares he did so without intent, he shall pay the doctor [and be discharged from further punishment].

207. If the assaulted person dies of the blow the aggressor shall, under oath, state that he did not intend to kill; if the decedent be a freeborn person, he shall pay $\frac{1}{2}$ a "mine" of money as a fine [upon conviction of the offence].

208. If the decedent was a freedman, he is to pay $\frac{1}{3}$ of a "mine."

209. If anyone strikes a freeborn woman, who is pregnant and thereby causes a miscarriage, the assailant, upon conviction, shall pay 10 shekels of money to the injured party in damages.

210. If the woman dies, then the assailant's daughter shall be killed.

211. If a woman of the freed classes suffers a miscarriage through the assailant's blow, he shall pay 5 shekels of money [to her in damages if convicted].

212. If the woman dies of the assault the assailant shall pay $\frac{1}{2}$ a "mine" as a fine.

213. If the woman assailed is someone's servant and she suffers a miscarriage thereby, the assailant shall pay 2 shekels of money [as penalty upon conviction].

214. If the servant dies he is to pay $\frac{1}{3}$ of a "mine."

215. If a doctor performs an operation upon a patient [freeborn] and thereby cures the patient, or if he opens a tumor of the eye by an operation with a knife and the eye is saved thereby, the doctor is to receive 10 shekels of money for his services.

216. If the patient is a freedman the doctor shall receive 5 shekels.

217. If the patient is anyone's slave, the owner is to give the doctor 2 shekels.

218. If a surgeon makes a severe wound with the operating knife on a patient, and the patient dies; or opens a tumor of the eye on anyone and the eye is lost, the surgeon shall have his hands chopped off.

219. If a surgeon performs a serious operation on the slave of a freedman with an operating knife, and kills the slave, he shall give the owner a slave in the deceased one's stead.

220. If the surgeon has opened a tumor on the eye of a slave with an operating knife, and the eye is destroyed, the surgeon is to pay $\frac{1}{2}$ the price [value] of the slave to the owner.

221. If a doctor heals the broken bone of anyone or diseased soft parts, the sick one is to give the doctor 5 shekels.

222. If he be a freedman he is to give 3 shekels.

223. If he be a slave, his owner is to pay the doctor 2 shekels.

224. If a doctor of beeves and asses [veterinary] makes a severe wound on a beef or ass and heals the animal, its owner is to give the doctor $\frac{1}{3}$ of a shekel.

225. If he does a severe operation on a beef or an ass and kills it, he is to give its owner $\frac{1}{4}$ of its value.

226. If the shearer [brander of slaves] without the knowledge of the owner of a slave marks a salable slave with the sign [sign used to designate a worthless slave] of an unsalable slave, the hands of this shearer are to be cut off [upon conviction of the offence].

227. If anyone deceived a shearer and has him brand a salable slave with the sign of an unsalable slave, the party guilty of the deception shall be put to death and his house is to be burnt [provided he be convicted thereof]. The shearer, upon making oath to the following: "I have not marked him [the slave] knowingly," shall be regarded as innocent.

228. If a builder builds a house for anyone and finishes it, the owner is to give him for [every] "sar" of built surface 2 shekels of money as a present [in compensation for his labor].

229. If a builder builds a house for anyone and does not complete it firmly, and the house that he has built collapses and kills the owner, then the builder shall be put to death.

230. If it kills the son of the owner, then the son of the builder shall be put to death.

231. If it strikes a slave of the owner, he shall give slave for slave [for every slave killed] to the owner of the house.

232. If it destroys property, he is to make good all that has been destroyed and, because he has not carried out finally the building of the house [contracted to be] built by him, so that it collapses, he is to build up the collapsed part and furnish his own materials therefor.

233. If a building master builds a house for anyone and he has not carried out completely [his undertaking], and the wall threatens to fall, the builder is to make the wall firm out of his own money.

234. If a shipbuilder builds a ship for anyone of 60 "gur" [capacity] the owner shall give him 2 shekels of money as a present [compensation].

235. If a shipbuilder builds a ship for anyone and does not make it strong, and the ship sails during that year [upon a journey] and suffers injury [by reason of its faulty construction], the shipbuilder shall take the ship apart and rebuild it firmly out of his own materials; he shall build a firm ship for the shipowner.

236. If anyone hires a ship to a skipper and the skipper is careless, and the ship is wrecked or destroyed, the skipper shall replace the ship to the shipowner.

237. If anyone supplies [provisions] a skipper his ship, that is, supplies

it with grain, oil, dates and everything else that belongs to its outfitting, and that skipper is negligent and wrecks the ship and destroys its contents, the skipper shall replace the ship that is wrecked and everything that was destroyed in it.

238. If a skipper wrecks anyone's ship, but saves it [from total loss], he is to pay $\frac{1}{2}$ of its price in money to its owner.

239. If anyone provisions a ship or a skipper he is to be paid therefor 6 "gur" for the year.

240. If a freight boat collides with a passenger ship and wrecks it, the owner of the ship which was wrecked is to seek justice before God [present his claim under oath]; and in event it is sustained, the owner of the freight boat, who has occasioned the wreck of the passenger ship, shall return to the owner of the passenger ship the ship so destroyed [or its value] and everything that was destroyed with it.

241. If anyone forces an ox not belonging to him to labor he is to pay $\frac{1}{3}$ of a "mine" of money in penalty therefor.

242. If anyone hires a field ox for a year he is to give to the owner 4 "gur" of grain as hire for the field ox.

243. As hire for the heath (?) ox he is to give the owner 3 "gur" of grain.

244. If anyone hires an ox or an ass, and a lion [wild beast] kills it in the field, the loss falls on the owner.

245. If anyone hires an ox and kills him through bad treatment or blows he is to return to the owner an ox for the ox so killed.

246. If anyone hires an ox and he breaks one of its legs or cuts a neck ligament, the lessee is to return [an uninjured ox] to the owner.

247. If anyone hires an ox and knocks one of the ox's eyes out he is to give $\frac{1}{2}$ of its value to the owner.

248. If anyone hires an ox and breaks off one of its horns, cuts off its tail or damages some part of its mouth, he is to pay $\frac{1}{4}$ the value in money.

249. If anyone hires an ox and God [an unavoidable accident] strikes him and he dies, then the one who has hired him shall swear before God and be blameless [shall make oath to the circumstances and be discharged from liability].

250. If an ox, while going upon the street, strikes anyone and kills him, there shall be no legal claim for damages [the law will not hold anyone liable therefor].

251. If anyone's ox is a butter [dangerous], and his fault has been pointed out to the owner, who shall fail to wrap its horns and does not restrain the ox, and the ox gores a freeman and kills him, the owner shall pay 2 "mines" of money.

252. If he kills anyone's slave he is to pay $\frac{1}{3}$ of a "mine."

253. If anyone bargains [seeks to lease his farm to another] with another one to take care of his farm and trusts him with grain for planting and with draft animals, and bids him to plant the field, and the one to whom the property is intrusted steals the grain or plants raised thereon and takes them for his own use, he shall have his hands cut off.

254. If he takes the planting grain (?) [seed] for himself and does not use the draft beast, he shall return to the owner of the field the amount of the cultivation grain (?) [a sum equivalent to what might have been raised upon the land had he done his duty].

255. If he [the lessee] lets out the draft cattle of the man for rent or

steals the seed grain and does not raise anything upon the field, he is to be arrested and upon conviction of the offence shall for every 100 "gan" pay 60 "gur" of grain to the owner.

256. If [he cannot pay the penalty] his township does not care to pay it for him, he is to be left on that farm among the cattle.

257. The rate of pay for a field laborer is 8 "gur" of grain annually for his services.

258. If anyone hires an ox tender he is to pay him 6 "gur" of grain a year.

259. If anyone steals a water wheel from the field he is to give the owner 5 shekels of money upon proof of his guilt.

260. If he steals a dipping bucket or a plow he is to give 3 shekels of money to the owner upon proof of his guilt.

261. If anyone hires a shepherd to graze out cattle and small animals he is to give him 8 "gur" of grain a year [in compensation for his labor].

262. If anyone a beef or a sheep [tablet defaced].

263. If he [one to whom a beef or sheep is loaned] ruins the beef or sheep that was loaned him, he is to return to the owner a beef for a beef and a sheep for a sheep.

264. If a shepherd who has been intrusted with cattle and small animals for grazing purposes has received the wages that were determined upon [as compensation for his services], damages the beef or small cattle and makes the increase by birth smaller, he shall be accountable to the owner, according to the wording of the agreement for increase and profit.

265. If a shepherd who has been intrusted with cattle and small animals falsifies the natural increase or sells the increase for money, he is to be arrested and [upon conviction thereof] shall return 10 fold the cattle or small animals [so claimed to exist] to their owner.

266. If in a stable a beef is injured by an act of God or a lion [wild beast] the shepherd shall make oath to his lack of fault and produce the injured animal to its owner [and thence go in peace].

267. If a shepherd through his negligence causes injury to cattle in the stable, the shepherd shall compensate the owner in cattle and small animals to the extent of the damage, which he has caused in the stable [to the owner's property].

268. If anyone hires an ox for the purpose of threshing he shall pay for the hire thereof 20 "ka" of grain [for that threshing period].

269. If he hire an ass for threshing purposes the rate of hire is 20 "ka" of grain [for that threshing period].

270. If he hires a young animal for threshing purposes the rate of hire is 10 "ka" of grain [for that threshing period].

271. If anyone rents an ox, wagon and driver, he is to pay 180 "ka" of grain per day [for the use thereof].

272. If anyone hires a cart alone he is to give 40 "ka" of grain per day [for the use thereof].

273. Anyone hiring a laborer shall give him [for his services] from every new year to the fifth month [at the rate of] 6 Grochen of money per day and from the sixth month to the end of the year he is to pay him [at the rate of] 5 Grochen per day.

274. Anyone employing a workman who is a member of an association shall pay him at the rate of 5 Grochen; a potter's (?) wages shall be 5 Grochen, a tailor's wages shall be 5 Grochen, the wages of a (?)

Grochen, the wages of (?) Grochen, the wages of a (?) Grochen, the wages of a carpenter shall be 4 Grochen, the wages of a rope-maker (?) shall be 4 Grochen, the wages of a (?) Grochen, the wages of a mason shall be (?) Grochen, per day.

275. If anyone hires a ship [from another] he is to give for the use of the ship for each day, 3 Grochen of money as rent.

276. If he hires a freight ship he is to give $2\frac{1}{2}$ Grochen per day.

277. If anyone hires a ship of 60 "gur" [capacity] he shall give $\frac{1}{6}$ shekel of money a day as rent therefor.

278. If anyone buys a male or female slave, and before the end of the month the bēnu-sickness attacks the slave, he shall give the slave back to the vendor and shall receive back from the vendor the money that he has paid [for the slave].

279. If anyone buys a male or female slave and a claim is laid to them [by a third party] the vendor selling without right so to do is responsible both to the owner and purchaser.

280. If anyone buys male or female slaves in a foreign country, and he goes into that country and the owner recognizes his male or female slave; if the male or female slaves are children of a common country he is to return them without paying money damages [being called upon to pay damages to the owner].

281. If they [the slaves] come from another country the purchaser shall make oath as to the amount of money he paid for the slaves, and the owner shall thereupon pay back to the purchaser the money which he has paid [for the slaves] and take the male or female slaves into his possession again.

282. If a slave says to his master, "You are not my master," and is proven guilty of this [of falsifying in respect thereto], his owner may cut off his ear.

HAMMURABI'S CONCLUSION

The determination of law of the ever wise King Hammurabi, who taught the country proper law and the pious institutions. Hammurabi, the protecting King, am I. Men, whom Bēl gave me, the government of whom Marduk has given me, I did not flee from; I was not dilatory, I furnished them with residences of peace, I opened steep passes, I let light shine out from them, with a mighty weapon which Zamama and Istar loaned me, with a keen glance which Ea determined for me, with the wisdom which Marduk gave me; I routed out the enemies above and below [north and south], I subjugated the earth, I furnished the country with well-being, the inhabitants of the residences with life and safety, I did not tolerate a disturber of the peace; the great gods called me, I am the good shepherd [sovereign], whose staff [scepter] is straight [just], the good shadow [umbrella], which is spread over my city; at my breast I nurse the inhabitants of the land Sumer and Akkad [Babylonia], in my protection I let them rest in peace, in my wisdom I harbored them that the strong should not injure the weak, to make safe widows and orphans; I have rested in Babylon, I have rested in the town of Babylon, the town of Anu and Bēl their head. In Sagila the temple whose foundations stand firm as heaven and earth, I have in order to speak the right of the land, to determine the matters of conflict, to heal the injuries of, my valuable words I have inscribed upon my memorial stone, upon my image, erected as a king of justice, who rises above the kings of the city am I.

LAWS OF HAMMURABI

My words are well considered, my wisdom has not its equal; upon the laws of Shamash, the great judge of heaven and earth, righteousness is to rise up in the land; upon the word of Marduk, my master, to my monument destruction is not to happen. In the Sagila that I love, shall my name be for ever, the avenging one, who has judicial matters [not litigation], shall come for the picture of the king of righteousness, shall read the inscription and understand my valuable words, the inscription shall show him [shall explain him its affairs], his justice he shall see [find], his heart shall become joyous [so that he shall say], "Hammurabi is a sovereign, he is a father to his subjects; to the world of Marduk he has furnished a representative for the word of Marduk; he is known above and below [north and south]; the heart of Marduk, his master, he has given joy, for ever has supplied well-being to his subjects; he has brought the land into order." When he has read the record, he is to pray before Marduk, my sovereign, and Zarpanit, my sovereignty, pray with a full heart, then will the protecting deities of the gods who walk in the Sagila thoughts daily speak graciously before Marduk, daily before Marduk, my master, and Zarpanit, my mistress.

If later, perpetually and for ever, the king, who is in the country, shall the words of righteousness which upon my monument I have written, observe, the law of the country that I have given, the decisions that I have ordered, he shall not change, my memorial not injure. If this prince has wisdom and is able to keep his country in order he shall observe the words that I have written in the inscription; standards of conduct and statutes and the law of the land that I have given, the decisions which I have rendered shall the inscriptions show him; his subjects he shall rule according to them [by them], he shall speak justice for them, shall render decisions, he shall weed out of the country wicked and mischievous ones, he shall furnish to his subjects well-being, Hammurabi, the king of righteousness, Shamash presented with the right, am I. My words are well [weighed], my deeds have not their equal to subjugate [reduce] the high one, to humble the proud one, to drive out the haughty. If that prince heeds my words which I have written in my inscription and does not injure my law, and does not misunderstand my words, does not injure my memorial, so may to that prince as to me, the king of righteousness, Shamash, make his rule long, his subjects he shall rule in justice. If that prince does not heed my words which I have written in my inscription he shall have my curse and contempt; does not fear the curse of the gods, defaces the law that I have given, falsifies my words, changes my memorial, extinguishes my name, writes down his name, or on account of those curses despises anyone, that person, with a king or master, Patesi (?) or citizen, whatever his name, great god-father of the gods, who has ordained by sovereignty, let him withdraw the splendor of the kingdom from him, break his scepter, curse his aptness; Bêl, the master, who determines the aptness [suitability] whose order is not changed, who makes my kingdom large, the insurrection which his hand does not control, the wind of his downfall shall he let blow against his towns, years of governmental oppression, short duration of life, years of famine, a darkness without light, a death with seeing eyes, he is to determine for him his fate, the downfall of his city, the insurrection of his subjects, the abolition of his sovereignty, the oblivion of his name and memory, may decree with his weighty mouth. Beltis, the great mother, whose orders are weighty in the E-kur, the mistress who pays good atten-

tion to my wishes at the place of the court and decision, shall make his matter bad before Bêl, the destruction of his country, the destruction of his subjects, the outpour of his life like water into the mouth of Bêl the king shall lay. Ea, the great princess, whose conclusions of fortune go ahead, the thinker of good, who knows everything, who makes long the days of my life, shall deprive of wisdom and understanding, shall lead him into oblivion, his rivers pen up in their springs, and not let grow in his country the grain, the life sustenance of the people. Shamash, the great judge of heaven and earth, who keeps aloft all ways of life, the master of the courage of life, shall break up his kingdom, shall not carry out his right, shall stop his road, shall destroy the courage of his troops, in his dreams face bad prophecies with the extermination of the foundations of his throne and prophesy the downfall of his country. Judgment of Shamash shall overtake him at once, up among the living, cast down his spirit to the earth. He shall let him do without water among the living, without his spirit under the earth. Sin, the lord of the lord of the heaven, the god-father, whose sickle flares up among the gods, shall deprive him of crown and royal throne; the heavy guilt, the great offence, he will not soften; but he cast upon him days, months and years of his rule shall he spend in sobs and tears, he will increase the burden of his sovereignty for him, he shall give him as his fortune a life that shall be like death. Adad, the master of fertility, the prince of heaven and earth, my helper, shall deprive him of the rain in the heavens, the water supply in the springs and shall destroy his land by famine and poverty, and shall rage powerfully over his city and shall reduce his country to flood islands [ruined hills]. Zamama, the great warrior, the first son of E-kur, who goes at my right, shall break his weapon upon his election town, shall turn day into night for him, shall let his enemy triumph over him. Istar, the goddess of battle and slaughter, who frees my weapons, my generous protecting deity, who loves my kingdom, in her angry heart, in her great grimness, shall she curse his kingdom, shall turn his benevolence into misfortune and break his weapon at the place of slaughter and battle. She will bring him disorder and rebellion, shall knock down his warriors, the earth shall drink their blood, heaps of corpses of his troops she shall throw down in the field, a life of mercy not spare him, shall surrender him into the hand of his enemies, shall take him a captive into the country of his enemies. Nergal, the mighty among the gods, whose conflict is irresistible, who lends me victory in his great violence, who shall consume his subjects like a weak reed, with his mighty weapon he will cut off his limbs, he shall break as an earthen image. Nintu, the exalted mistress of the countries, the prolific mother, shall deny him a son, shall grant him no name, among human beings she shall give him no descendants. Nin-karak, the daughter of Anu, who bestows mercy, in E-kur she shall inflict on him severe sickness, bad fever, bad wounds, which will not be healed, whose character the physician does not understand, which he does not know how to treat with a bandage, which like the bite of death cannot be averted, she shall let it come over his limbs till it destroys his life. He shall lament his vitality, the great gods of heaven and earth, the Anunaki, as a whole, shall cast curses and evil upon the surroundings of the temple, the walls of this E-barra, his government, his country, his warriors, his subjects and his troops. Bêl shall strike him immediately with a powerful curse out of his mouth, which cannot be changed.

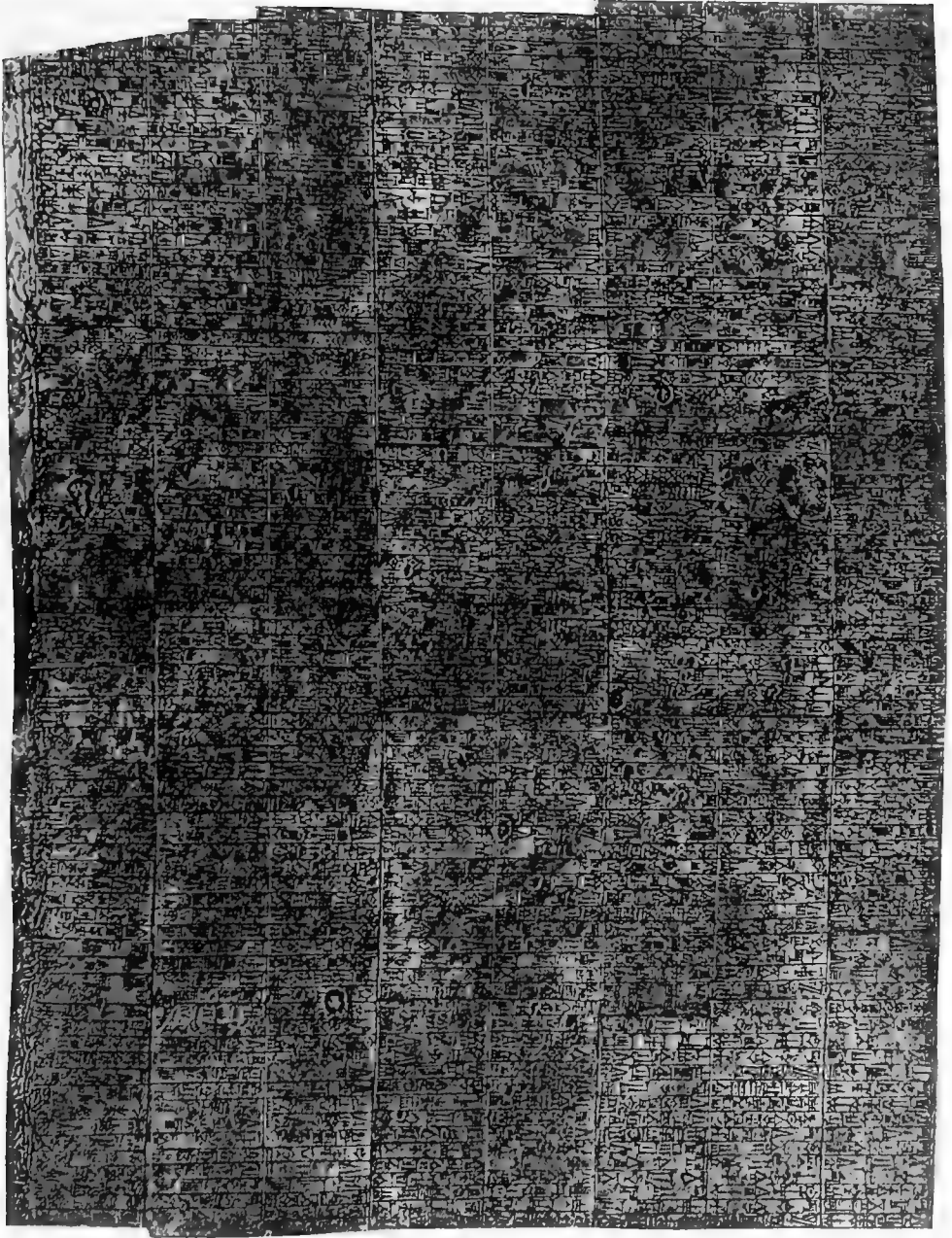


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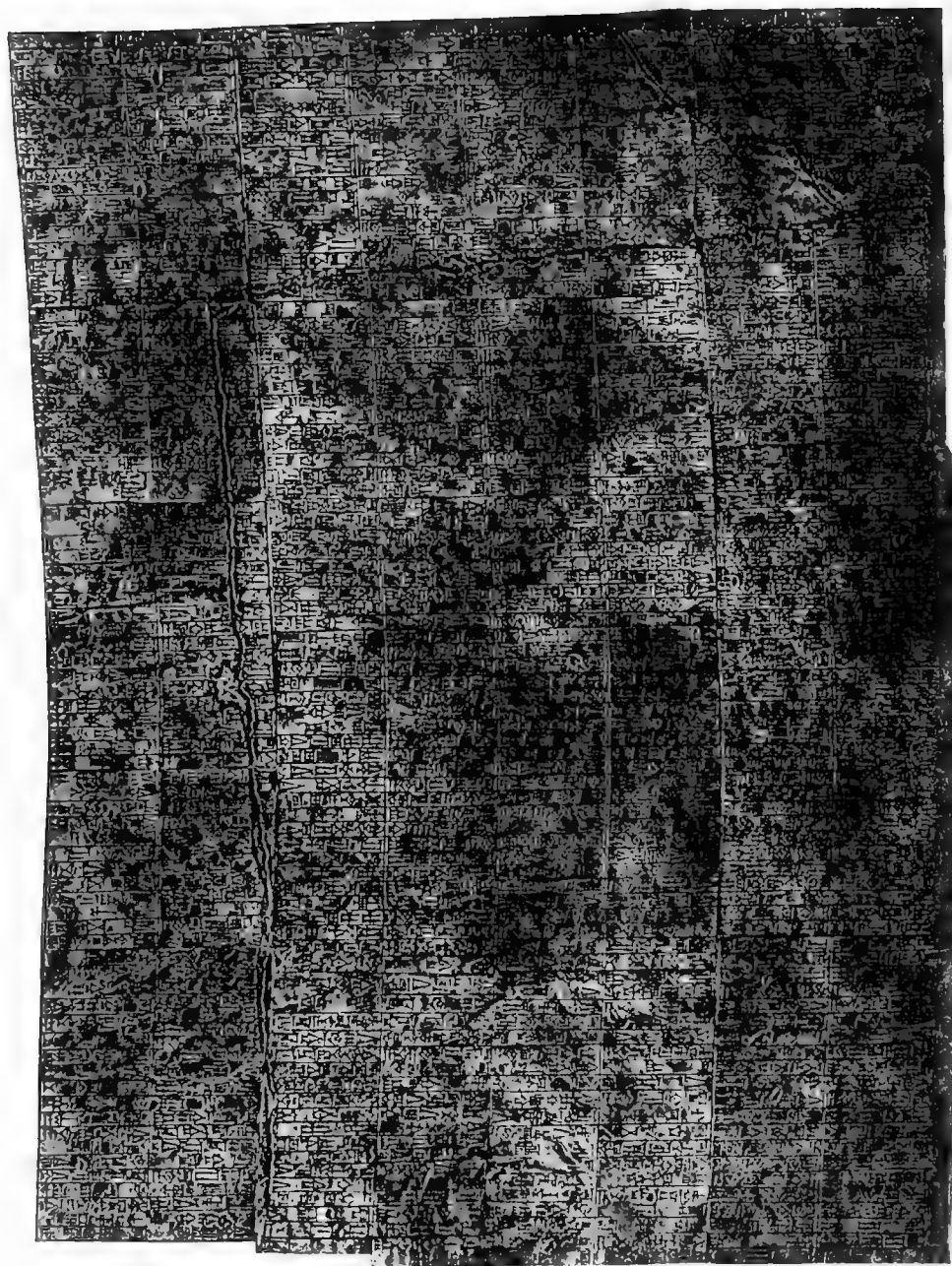


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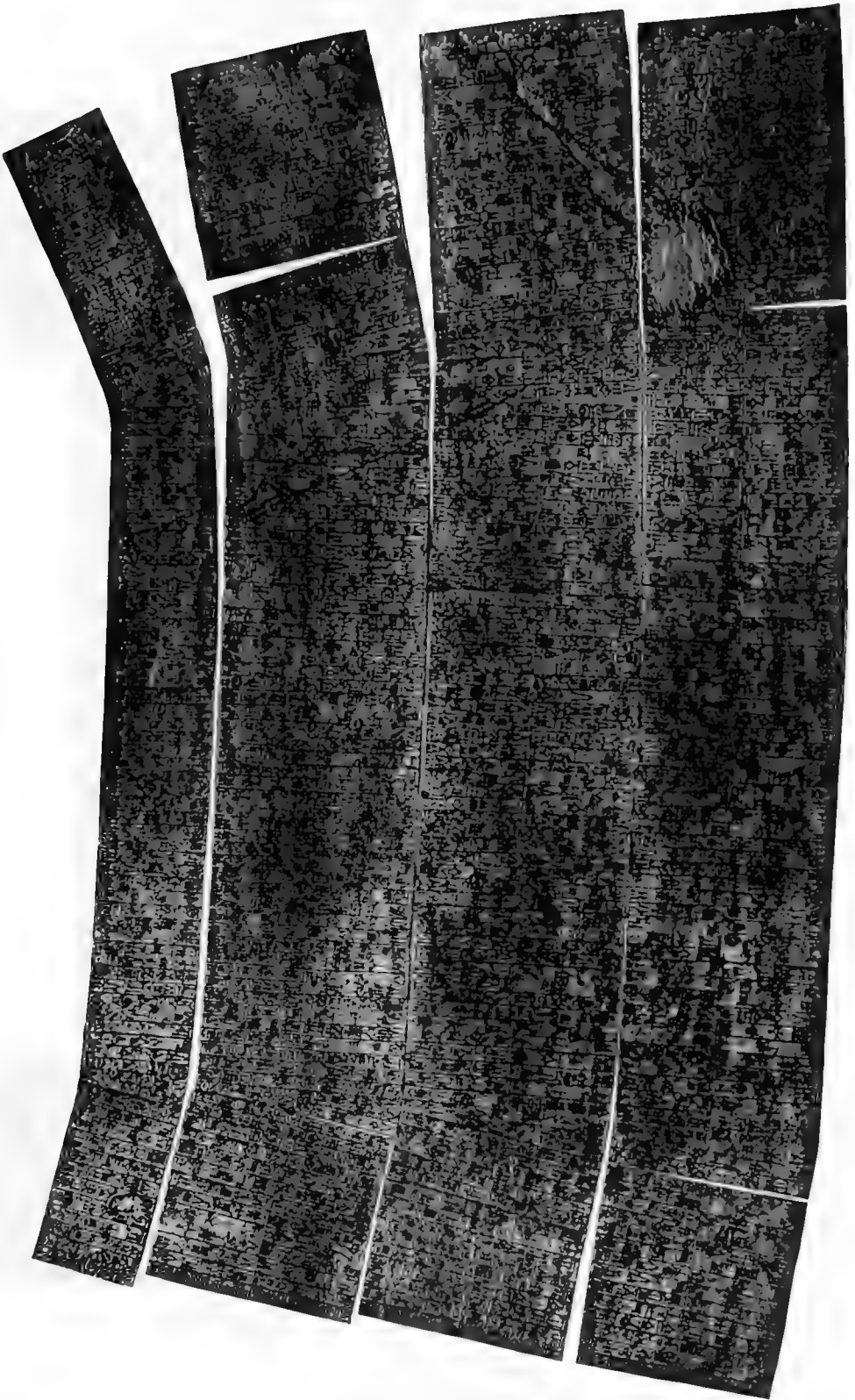


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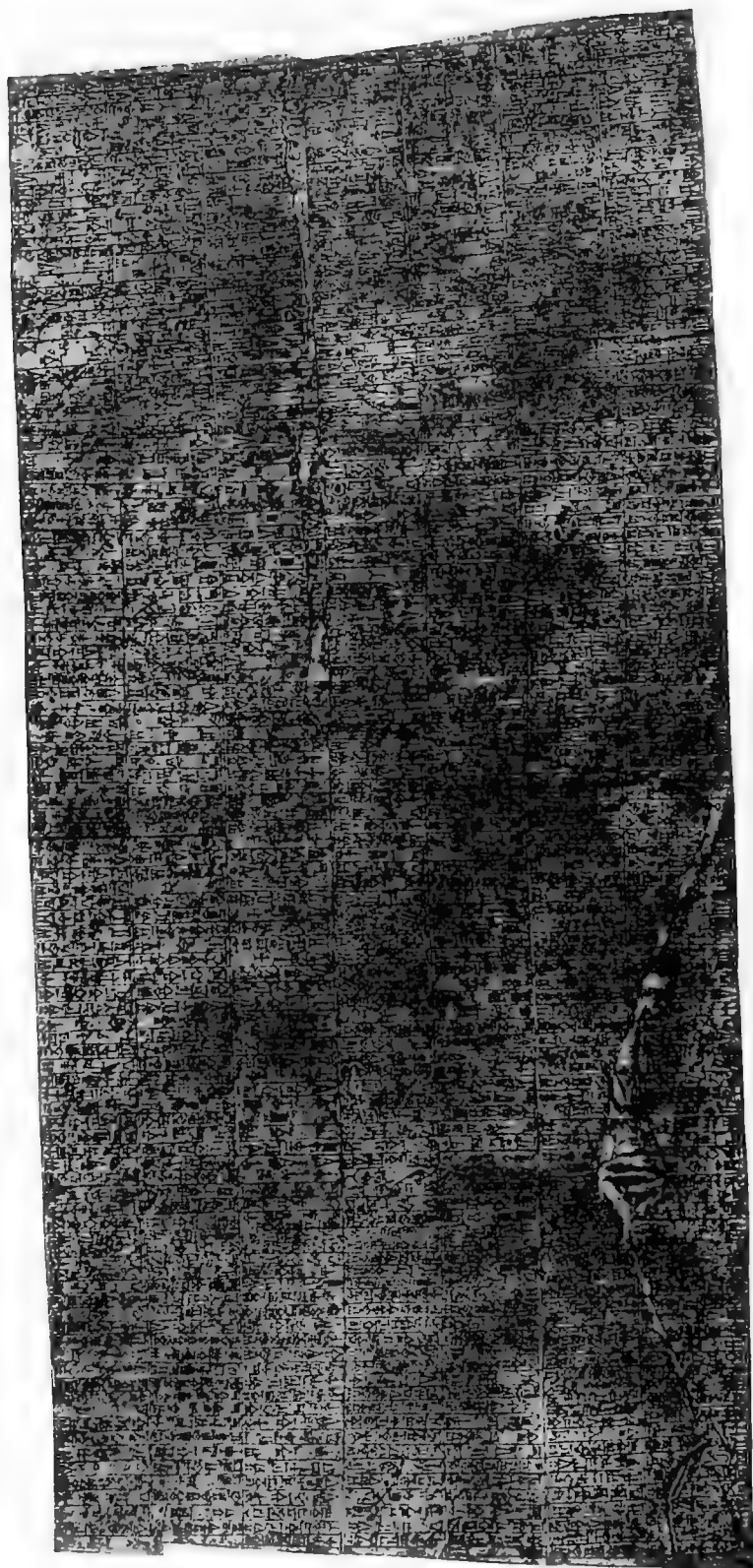


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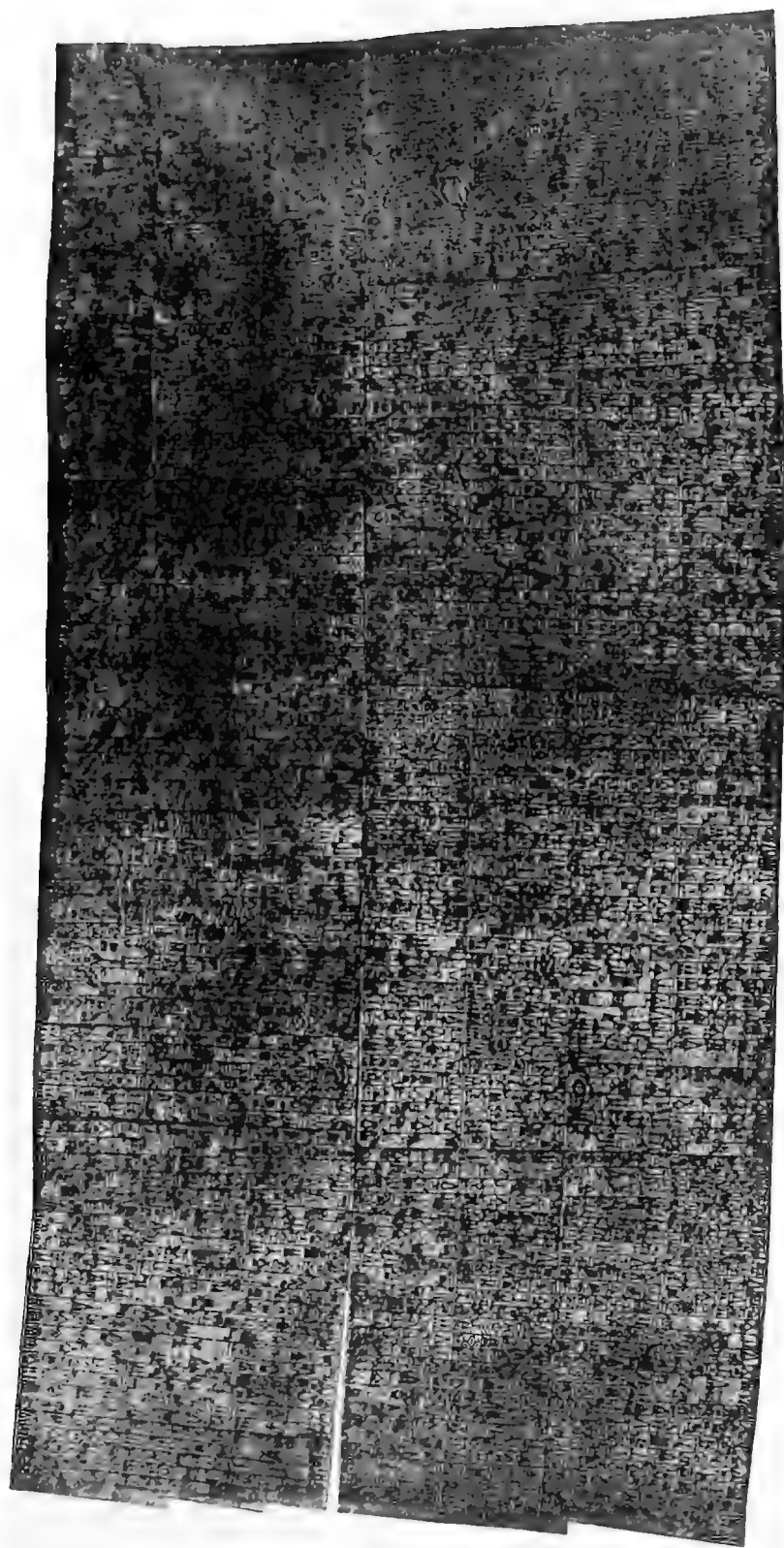


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Bibliotheca Sacra, Vol. LVIII, 1901

Contains the first of the series of articles by Professor G. Frederick Wright, bearing on the accuracy of the Old Testament History. They include

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URING the last week of August, 1902, Dr. Baum, the Editor of RECORDS OF THE PAST, while on an expedition to the Southwest for the purpose of investigating the Pueblo and Cliff ruins of that region, visited the Pueblo villages of the Hopi Indians at and near Walpi, Arizona. One afternoon while on the Walpi Mesa, the sky became overcast with clouds from a spent storm in the distant San Francisco range of mountains, the first time for many weeks.

Dr. Baum, with two of his assistants, Messrs. Lorin A. Clancy and Charles M. Scarborough, decided to remain upon the mesa until after sunset for the purpose of photographing the various cloud effects.

Only those who have had the rare good fortune of seeing the beautiful sunsets over the mesas and mountains of the deserts of the Southwest know of their glories, for the artist has never been able to transfer them to canvas. On this occasion, as the sun neared the horizon and the plain below the Walpi Mesa lay in the deepening shadows of the coming night, the clouds lifted above the distant mesa leaving a clear strip of sky. Several plates were exposed until after the sun had disappeared from sight. The gem of the views made shows the sun distinctly defined in the clear sky about one-third below the horizon, the clouds being illuminated with the beautiful hues of one of the most glorious sunsets ever seen in that region.

The view was made with a camera designed by and built under the direction of Dr. Baum. The focal plain shutter was set at about the 1,500th part of a second. A Goerz 10 $\frac{3}{4}$ -inch focus lens was used with wide open aperture on a 3 $\frac{1}{4}$ by 4 $\frac{1}{4}$ L. Ortho Seed plate. An enlarged print from the original negative has been colored by Mr. De Lancy Gill, of the Bureau of Ethnology, one of the foremost water color artists in this country. Mr. Gill has frequently visited the Southwest and is familiar with the peculiar tints of the sunsets of that region. He has had the advice of Dr. Baum, concerning the special tints appearing in this sunset, so that the colored photograph is as true to nature as human art can make it. This photograph in water colors has been accurately reproduced in the three-color process by the Patterson & White Company, of Philadelphia, on heavy India tinted paper, and is regarded as a rare work of art. Both the original photograph and reproduction have been copyrighted.

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Professor Wright's fullest statement of the facts discovered during his recent trip through Central Asia bearing on the credibility of the Noachian deluge will be given in the *Bibliotheca Sacra* for 1903.

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- January Huxley and Phillips Brooks. Prof. William Newton Clarke, D.D.
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Professor Paine on the Trinities. Prof. Frank Hugh Foster, D.D., Ph.D.
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An Oberlin Interpreter of Ritschl. Rev. A. A. Berle, D.D.
Why Did Amos Predict the Captivity? Prof. E. E. Braithwaite.
- April The Latest Translation of the Bible (I). Rev. Henry M. Whitney.
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Higher Criticism and Messianic Prophecy. Rev. Edward Hartley Dewart, D.D.
A Study of Mormonism (I). Rev. George R. Lunn.
- July Resurrection 3000-4000 B. C. and the Old Testament. Prof. Howard Osgood, D.D.
A Study of Mormonism (II). Rev. George R. Lunn.
The Latest Translation of the Bible (II). Rev. Henry M. Whitney.
A. D. Harnack's "Essence of Christianity." O. Zöckler (Translation).
Christian Charity of the Twentieth Century Church. Rev. H. Francis Perry.
Reaction Between Natural Science and Religion. Prof. Frederick W. Sardeson, Ph.D.

Of Special Timeliness are Prof. G. Frederick Wright's articles on the Flood in the April, July and October Numbers.

April No.—Interpretation of the Biblical Account.

July No.—Considers the *vast amount of evidence* which has recently come to light showing that there has been a *period of instability of the earth's crust* extending down to comparatively recent times, which, from a scientific point of view, renders the *scriptural accounts of the Flood easily credible*.

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